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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/502,303

07/21/2004

Katsumi Kozu

F-8309

1602

7590
Jordan & Hamburg
122 East 42nd Street
New York, NY 10168

10/10/2007

EXAMINER

ALEJANDRO, RAYMOND

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

10/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/502,303

Applicant(s)

KOZU ET AL.

Examiner

Raymond Alejandro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 5-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07/21/04 & 12/18/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I and Species Ib in the reply filed on 09/04/07 is acknowledged. The traversal is on the ground(s) that "*the Office Action has not demonstrated how the WO publications...are directed to batteries*". This is not found persuasive because those WO publications were cited in the International Search Report as documents of particular relevance to the technical feature and applicant's invention. Thus, it is reasonable to conclude that those references are not unrelated or non-directed to batteries. Nevertheless, it is noted that the Office Action now cites a reference for rejecting applicant's claimed invention under Section 102, and in view of such a rejection, it is directly concluded that applicant's inventions lack unity as their respective technical features are well-known in the art, thereby, failing to provide a novel inventive concept. As such, no more evidence is necessary to show lack of unity of invention.

The requirement is still deemed proper and is therefore made **FINAL**.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 07/21/04 was considered in part by the examiner. Some of the cited references were not available at the examination time.

4. The information disclosure statements filed 12/18/06 and 07/21/04 (in part) fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent

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document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

5. The drawings were received on 07/21/04. These drawings are acceptable.

Specification

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Present title is directed to subject matter no longer under current examination.

7. The preliminary amendment filed 07/21/04 does not introduce new matter into the disclosure.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Regarding claim 2, the phrase "*bottomed tube-like battery case*" renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claim(s) unascertainable.

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11. The language "an intermediate product being formed with a rechargeable battery" in claim 2 is of uncertain meaning, thereby rendering the scope of the claim vague and indefinite. The term "*an intermediate product*" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unknown or unclear whether applicant intends to recite that the rechargeable battery is the intermediate product per se, or whether the intermediate product does or does not include the battery. Further clarification is requisitioned.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being CLEARLY anticipated by the Japanese publication JP 2000-215483 (heretofore the JP'483).

The present invention is drawn to a battery pack wherein the disclosed inventive concept comprises the specific molded resin covering the battery pack.

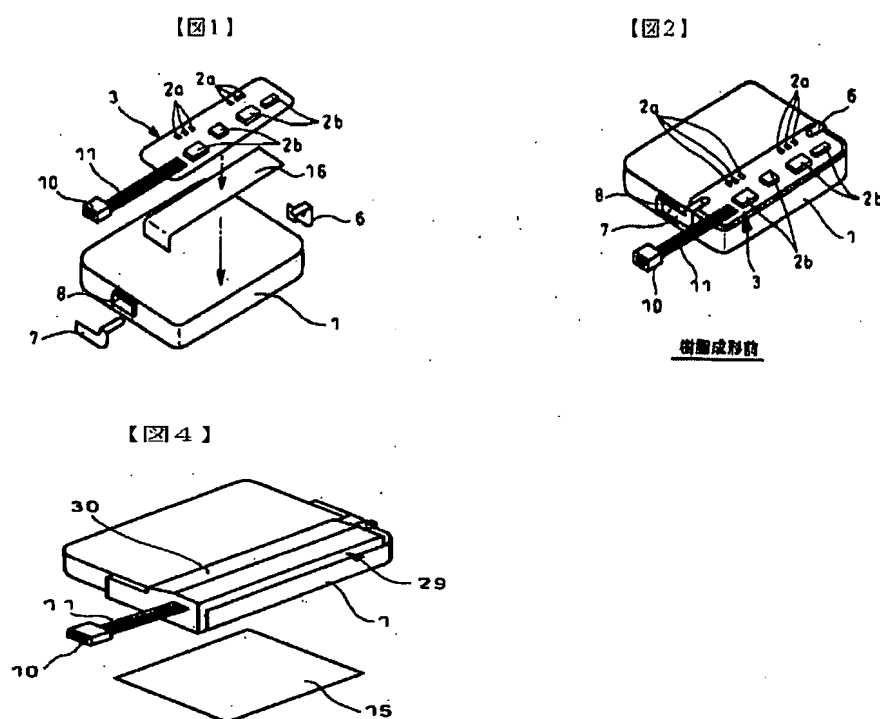
With respect to claims 1-2:

The JP'483 discloses a battery cell 1 including a circuit board (*the substrate*) electrically connected to the respective positive and negative battery terminals 6, 7; and wherein the battery is placed in molds 17a, 17b to be poured with a resin and at least the circuit 3 is coated with and

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formed of the resin among the circuit board 3 and the positive and negative electrode terminals (ABSTRACT/P0012, 0027-0029).

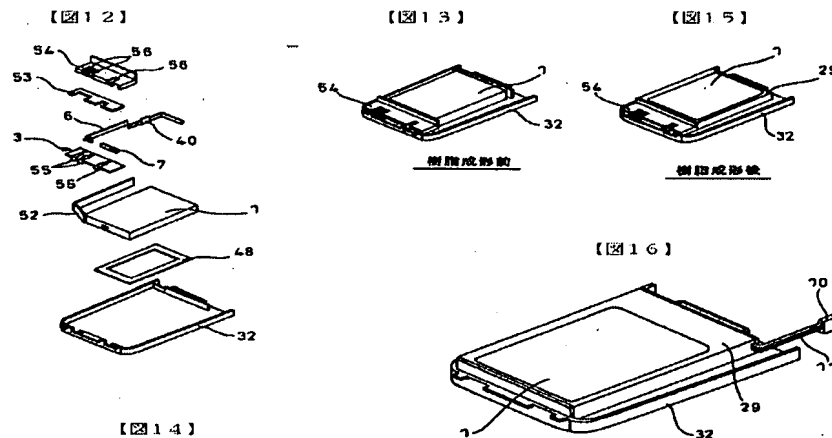
Reference numeral 29 is the resin shaped section representing the solidified molded resin partly covering the battery terminals as well as a substantial portion of battery cell 1 (See **FIGURES 1-2 and 4/P0031 & 0037-0039**). The resin shaped section 29 also includes the openings through which terminals 6, 7 are exposed to the outside (See FIGURE 4). Cell 1 is bottomed tube-shaped (See FIGURE 1); additionally, reference numeral 14 is a heat-shrinkable tube section wrapping cell 1 (P0002).



Figures 12-16 below also illustrate additional assembling components which can be considered to include a sealing plate and the sheet (the lid 32, or the doubled side element 48, or the element 40) permitting the battery terminals to be exposed to the outside (FIGURES 12-16).

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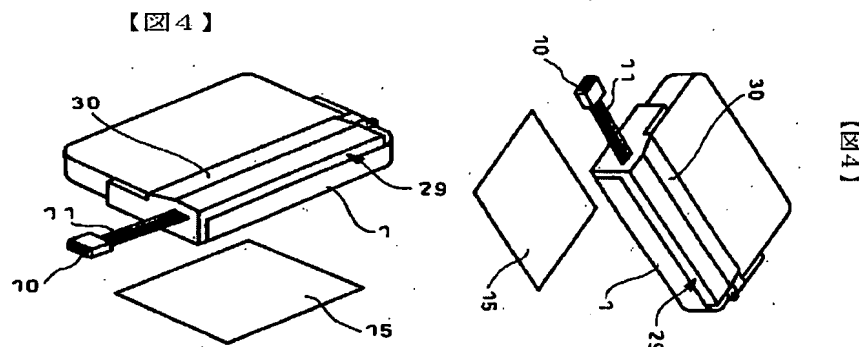
Note that resin shaped section 29 includes upper/lower resin sections and the openings through which terminals 6, 7 are exposed to the outside (See FIGURE 4) is in contact with the lid 32.



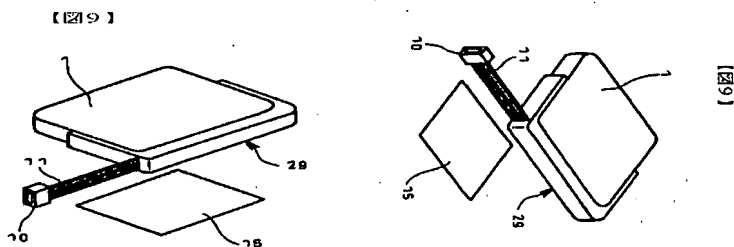
Additionally, face plate 15 (P0027) (See FIGURE 9 below) may represent the claimed sheet.

With respect to claims 3-4:

It can be appreciated from observing **FIGURES 4 & 9 and rotated FIGURES 4 & 9** below that resin shaped section 29 does include respective upper and lower portions being coupled with an extended member or arm running along a side of the battery cell 1 (*the part being directly pointed by reference numeral 29*) which are integrally formed. Right angles or 90° bent portions can also be appreciated at parts where the extended member joins the upper portion and the lower portion respectively.



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Therefore, the present claims are anticipated.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Alejandro whose telephone number is (571) 272-1282. The examiner can normally be reached on Monday-Thursday (8:00 am - 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Raymond Alejandro
Primary Examiner
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